

Serial No. 09/871,223Docket No.: 53924US010**Remarks**

Claims 84 – 92 have been editorially amended. Claims 21 – 43 and 66 – 92 remain pending in this application. Reconsideration is requested in view of the Declaration under 37 CFR §1.131 of Desmond T. Curran (Curran Declaration), the Declaration under 37 CFR §1.132 of Lowell E. Christensen (Christensen Declaration) and the following remarks.

The Curran Declaration is signed by inventor Desmond T. Curran but has not yet been signed by his co-inventor Elfed I. Williams. Mr. Williams (who has retired from 3M UK) resides in Wales. A copy of the Curran Declaration is being mailed to Mr. Williams for signature and returned to the undersigned attorney, and will be submitted to the USPTO once the return copy is received.

**Rejection of Claims 21, 31, 33, 34, 40,****66, 67, 70 – 76, 79, 81 – 86, 89, 91 and 92**

Claims 21, 31, 33, 34, 40, 66, 67, 70 – 76, 79, 81 – 86, 89, 91 and 92 were rejected under 35 USC §102(e) as being anticipated by U.S. Patent No. 6,047,698 (Magidson et al.). The Curran Declaration shows that these claims were actually reduced to practice in the U.S. before Magidson et al.'s August 20, 1998 U.S. filing date. As explained in the Curran Declaration and in its Attachment A, valve attachment tooling for a 3M UK flat-folding respirator design known within 3M as the "Genesis" mask was fabricated and tested at 3M US and used to make sample parts before August 20, 1998. The Genesis mask is similar to the mask shown in Fig. 21 of U.S. Patent No. 6,123,077. The described tooling is shown in the four numbered sketches at the back of Attachment A, and is similar to Fig. 5A through Fig. 5E in the present application. The Curran Declaration thus removes Magidson et al. as a reference against claims 21, 31, 33, 34, 40, 66, 67, 70 – 76, 79, 81 – 86, 89, 91 and 92. Applicants accordingly request withdrawal of the rejection under 35 USC §102(e) of claims 21, 31, 33, 34, 40, 66, 67, 70 – 76, 79, 81 – 86, 89, 91 and 92 over Magidson et al.

Serial No. 09/871,223Docket No.: 53924US010**Rejection of Claims 22 and 35 – 37**

Claims 22 and 35 – 37 were rejected under 35 USC §103(a) as being unpatentable over Magidson et al. in view of U.S. Patent No. 5,325,892 (Japuntich et al.). The Curran and Christensen Declarations show that samples made according to these claims and an explanation of the claimed methods were provided to Mr. Christensen in the U.S. before August 20, 1998, in a time span between July, 1996 and June, 1998. This time span corresponds to the period during which Mr. Christensen served as Manufacturing Operations Manager for the 3M Occupational Health and Environmental Safety Division and as global team leader for a group of 3M personnel responsible for the scale-up and launch of the Genesis mask. The Curran and Christensen Declarations thus remove Magidson et al. as a reference against claims 22 and 35 – 37. Japuntich et al. is relied on for its disclosure of multi-layer filtration material and for attaching a component to a molded mask, but does not show the methods of claims 22 and 35 – 37. Applicants accordingly request withdrawal of the rejection of claims 22 and 35 – 37 under 35 USC §103(a) over Magidson et al. in view of Japuntich et al.

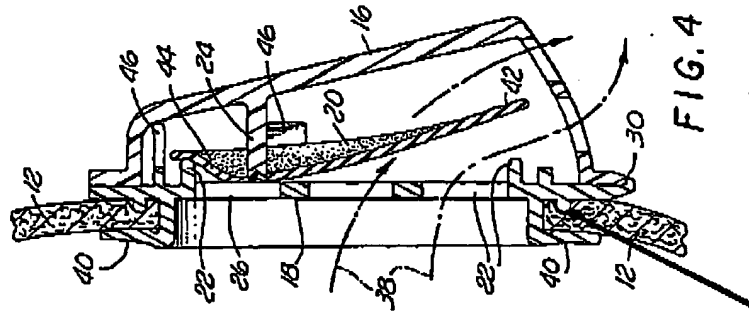
**Rejection of Claims 23 – 26, 29, 32, 39, 66, 69, 77, 80, 87 and 90**

Claims 23 – 26, 29, 32, 39, 66, 69, 77, 80, 87 and 90 were rejected under 35 USC §103(a) as being unpatentable over Magidson et al. in view of U.S. Patent No. 2,087,989 (Gookin). As to Magidson et al. and claim 25, see the “following sequence of events” discussion at the bottom half of page 3 of Attachment A and the referenced sketches. As to Magidson et al. and claims 23, 24, 26, 29, 32, 39, 66, 69, 80 and 90, see the Curran and Christensen Declarations, which show that samples made according to those claims and an explanation of the claimed methods were provided to Mr. Christensen in the U.S. before August 20, 1998. The Curran and Christensen Declarations thus remove Magidson et al. as a reference against claims 23 – 26, 29, 32, 39, 66, 69, 80 and 90. Gookin is relied on for its showing of a method and tool for roll clenching eyelets in shoe leather. However, Gookin has nothing to do with attachment of components to filtration material, and does not make obvious claims 23 – 26, 29, 32, 39, 66, 69, 80 and 90.

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As to claims 77 and 87 (which recite a gripping feature extending into the thickness of the filtration material to prevent rotation of the component relative to the filtration material), note that Magidson et al. does not mention such a feature and that Gookin is not concerned with preventing rotation of a component. Magidson et al. does include an unnumbered projection (identified with an arrow below):



but this projection is only shown in cross-section and it appears to surround cylindrical extension member 40 circumferentially.

Applicants accordingly request withdrawal of the rejection of claims 23 – 26, 29, 32, 39, 66, 69, 77, 80, 87 and 90 under 35 USC §103(a) over Magidson et al. in view of Gookin.

#### Rejection of Claims 30, 78 and 88

Claims 30, 78 and 88 were rejected under 35 USC §103(a) as being unpatentable over Magidson et al. in view of Gookin and U.S. Patent No. 3,512,224 (Newton). The Curran and Christensen Declarations show that samples made according to those claims and an explanation of the claimed methods were provided to Mr. Christensen in the U.S. before August 20, 1998. The Curran and Christensen Declarations thus remove Magidson et al. as a reference against claims 30, 78 and 88. Gookin is discussed above. Like Gookin, Newton involves a method and tool for roll clenching eyelets in shoe leather. Newton is relied on for its use of a seal enhancing substance between the eyelet and the shoe leather. However, Newton has nothing to do with attachment of components to filtration material, and does not by itself or in combination with Newton make obvious claims 30, 78 and 88. Applicants accordingly request withdrawal of the rejections of claims 30, 78 and 88 under 35 USC §103(a) over Magidson et al. in view of Gookin and Newton.

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#### **Rejection of Claims 38, 41 and 43**

Claims 38, 41 and 43 were rejected under 35 USC §103(a) as being unpatentable over Magidson et al. in view of U.S. Patent No. 4,726,365 (Jablonski). The Curran Declaration shows that samples made according to those claims were actually reduced to practice in the U.S. before August 20, 1998. The Curran Declaration thus removes Magidson et al. as a reference against claims 38, 41 and 43. Jablonski is relied upon or its foldable respiratory mask. Jablonski does not insert any components through his mask, and does not make obvious claims 38, 41 and 43. Applicants accordingly request withdrawal of the rejection of claims 38, 41 and 43 under 35 USC §103(a) over Magidson et al. in view of Jablonski.

#### **Rejection of Claim 42**

Claim 42 was rejected under 35 USC §103(a) as being unpatentable over Magidson et al. in view of Jablonski as applied to claims 38, 41 and 43 above and further in view of Gookin. The Curran Declaration shows that samples made according to claim 42 were actually reduced to practice in the U.S. before August 20, 1998. The Curran Declaration thus removes Magidson et al. as a reference against claim 42. Jablonski and Gookin are discussed above, and would not by themselves or in combination with one another make obvious Claim 42. Applicants accordingly request withdrawal of the rejection of claim 42 under 35 USC §103(a) over Magidson et al. in view of Jablonski and Gookin.

#### **Conclusion**

Magidson et al. has been removed as a reference. The remaining cited references do not show or suggest the rejected claims. Passage of the application to the issue branch is requested. The Examiner is encouraged to call the undersigned attorney if there are any questions regarding this application.

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November 17, 2003

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